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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,326	10/16/2001	James J. Xu	19763/82069	4458
7	7590 09/05/2003			:
Barnes & Thornburg			EXAMINER	
600 One Summit Square Fort Wayne, IN 46802			BISSETT, MELANIE D	
			ART UNIT	PAPER NUMBER
			1711	
		,	DATE MAILED: 09/05/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

		<b></b>				
	Application No.	Applicant(s)				
Office Action Summany	09/978,326	XU, JAMES J.				
Office Action Summary	Examiner	Art Unit				
The MAIL INC DATE of this communication and	Melanie D. Bissett	1711				
The MAILING DATE of this communication appeariod for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute,  - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).  Status	6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. & 133).				
1)⊠ Responsive to communication(s) filed on 15 Ja	<u>anuary 2003</u> .					
2a) This action is <b>FINAL</b> . 2b) This	s action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E Disposition of Claims	:x parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.				
4)⊠ Claim(s) 21-38 is/are pending in the application	١.					
4a) Of the above claim(s) <u>21-38</u> is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.	7) Claim(s) is/are objected to.					
8) Claim(s) 21-38 are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents	have been received.					
2. Certified copies of the priority documents	have been received in Application	on No				
<ul> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
14) Acknowledgment is made of a claim for domestic	priority under 35 U.S.C. § 119(e)	) (to a provisional application).				
a) ☐ The translation of the foreign language provisional application has been received.  15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal Page	(PTO-413) Paper No(s) atent Application (PTO-152)				

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## **DETAILED ACTION**

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: solutions made with the acids, anhydrides, and hydroxy functional monomers of the Markush group of claim 21.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 21 and 34 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

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made.

the prior art, the evidence or admission may be used in a rejection under 35

U.S.C. 103(a) of the other invention.

2. A telephone call was made to Rebecca Ball on 8/21/03 to request an oral election to the above restriction requirement, but did not result in an election being

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie D. Bissett whose telephone number is (703) 308-6539. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

James J. Seidleck Supervisory Patent Examiner Technology Center 1700 Page 3

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